



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

Customer Assistance

IN THE MATTER OF ALAN V. SARE,)
PETITIONER v. PUBLIC SERVICE)
ELECTRIC AND GAS CO., RESPONDENT)
)
)

ORDER ADOPTING AND
MODIFYING INITIAL DECISION

BPU Docket No. EC00100759U
OAL Docket No. PUC 1329-01

(SERVICE LIST ATTACHED)

BY THE BOARD:

On September 13, 2000, Alan V. Sare (Petitioner) filed a petition with the Board of Public Utilities (Board), alleging several illegal discontinuations of service by Public Service Electric & Gas Company, Inc. (Respondent). On December 27, 2000, the Respondent filed an answer in which it denied that the discontinuations of service were illegal.

On January 5, 2001, the Board transmitted this matter to the Office of Administrative Law (OAL) for determination and initial disposition as a contested case pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq. The matter was assigned to Administrative Law Judge (ALJ) William S. Jeremiah.

On August 26, 2002, ALJ Jeremiah filed his Initial Decision, finding that the Petitioner had reasonable notice that his bills were in arrears and that if he did not pay them, his electricity and gas would be shut off. The ALJ ordered the Petitioner to pay the entire arrears to the Respondent.

On September 23, 2002, the Petitioner filed exceptions requesting a new hearing. The Petitioner stated that the Initial Decision was filed late, that ALJ Jeremiah issued the Initial Decision after the Petitioner had filed a complaint against him, and that there were no findings of fact regarding the allegations that PSE&G violated N.J.A.C. 14:3-3.6(c) and N.J.A.C. 14:3-7.13(c). The Petitioner claimed that PSE&G had violated N.J.A.C. 14:3-3.6(c) by neither attempting to make contact with an adult on the premises nor leaving a sealed envelope regarding the disconnection of service. The Petitioner also claimed that PSE&G had violated N.J.A.C. 14:3-7.13(c) by requiring an excessive minimum down payment as a condition for restoring service.

After review, the Board remanded the matter to the OAL so that findings of fact could be made regarding the allegations that PSE&G violated N.J.A.C. 14:3-3.6(c) and N.J.A.C. 14:3-7.13(c).

The case was reassigned to ALJ Barry N. Frank and was heard on August 18, 2003. The record was closed on September 5, 2003 and an Initial Decision was issued on September 12, 2003.

In the Initial Decision, the ALJ found that PSE&G had violated both N.J.A.C. 14:3-3.6(c) and N.J.A.C. 14:3-7.13(c). He ordered PSE&G to present Petitioner a monthly payment plan requiring no more than a 25% down payment, but ordered that if Petitioner fails to enter into an arrangement, then PSE&G has the right to terminate current electric service until the prior bill is paid. The ALJ also ordered that PSE&G could not terminate Petitioner's electric service in response to an unpaid gas bill, because the two are not related, but that PSE&G may pursue whatever collection action is appropriate in another forum.

On September 22, 2003, Mr. Sare filed exceptions to ALJ Frank's Initial Decision, requesting that the Board 1) find that PSE&G failed to consistently comply with the requirements of N.J.A.C. 14:3-7.13(c) and 2) order PSE&G to offer each of its residential customers in combined arrearage for gas service and electric service a separate deferred payment agreement for each service.

On September 30, 2003, PSE&G filed exceptions to ALJ Frank's Initial Decision, offering to provide Mr. Sare an opportunity to enter into a deferred payment arrangement for the \$59.01 of electric charges that had been set aside pending resolution of this matter, or forgive all of the past due charges in their entirety.

After review, the Board FINDS that PSE&G should not be allowed to wipe the slate clean at this late stage of the process and therefore rejects PSE&G's offer as set forth in its exceptions. Furthermore, the Board FINDS, based on the record, that PSE&G has not consistently failed to abide by the requirements of N.J.A.C. 14:3-3.6(c)3 and N.J.A.C. 14:3-7.13(c) and therefore rejects Mr. Sare's request as set forth in his exceptions. The Board hereby ACCEPTS the ALJ's Initial Decision in part. However, the Board hereby MODIFIES the ALJ's Initial Decision to require PSE&G to file a report indicating how it has modified its customer notification and discontinuance process to ensure compliance with Board regulations.

DATED: 12/10/03

BOARD OF PUBLIC UTILITIES
BY:

SIGNED

JEANNE M. FOX
PRESIDENT

SIGNED

FREDERICK F. BUTLER
COMMISSIONER

SIGNED

CAROL J. MURPHY
COMMISSIONER

SIGNED

CONNIE O. HUGHES
COMMISSIONER

SIGNED

JACK ALTER
COMMISSIONER

ATTEST:

SIGNED

KRISTI IZZO
SECRETARY

Alan V. Sare v. Public Service Electric and Gas Co.

BPU Dkt. No. EC00100759U

OAL Dkt. No. PUC 1329-01

SERVICE LIST

Alan Sare
1112 Fox Run Drive
Plainsboro, NJ 08536

Thomas Thackston, Esq.
Public Service Electric & Gas Company, Inc.
80 Park Plaza T5G
P.O. Box 570
Newark, NJ 07101

Kent Papsun, Director
Division of Customer Assistance
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

Jeff Slutzky, Esq.
Division of Law
124 Halsey St. - 5th Floor
Newark, NJ 07102